

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT A. CONRAD, AN  
INDIVIDUAL DOING BUSINESS AS  
THISISRENO.COM,  
Appellants,  
vs.  
WASHOE COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA,  
Respondent.

No. 87468

**FILED**

DEC 16 2024

ELIZABETH A. BROOKS  
CLERK OF SUPREMACY  
BY   
DEPUTY CLERK

*ORDER AFFIRMING IN PART, VACATING IN PART AND  
REMANDING*

This is an appeal from a district court order denying a petition for a writ of mandamus that sought to compel respondent to comply with its obligations under Nevada's Public Records Act (NPRa). Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Appellant Robert Conrad regularly requests records from governmental agencies pursuant to the Nevada Public Records Act (NPRa). In this case, he sought a writ of mandamus from the district court ordering the Washoe County Sheriff's Office (WCSO) to produce records responsive to three of his records requests. The district court found the petition was moot as to the second and third requests, and denied attorney fees. Conrad does not raise as an issue on appeal the district court's mootness determination or its denial of fees based on that determination, so we affirm its decision as to the second and third requests. *Cf. Capital Advisors, LLC v. Cai*, 140 Nev., Adv. Op. 34, 548 P.3d 1202, 1212 (2024) (affirming portions of the district court's order that were not appealed).

This leaves only Conrad's appeal related to the first request, in which he sought a copy of WCSO's report of an officer-involved shooting.

Conrad argues WCSO's automated response violates the NPRA's five-day requirement, that WCSO's later denial lacked the legal support required by the NPRA, and that the district court erred by failing to conduct an *in camera* review of the withheld records.<sup>1</sup> In his briefs, Conrad requests this court to order WCSO to release the records and/or for the district court to conduct an *in camera* review of any that remain confidential. We review questions of statutory interpretation de novo, but we review the district court's order denying Conrad's petition for a writ of mandamus for an abuse of discretion. *Conrad v. Reno Police Dep't*, 139 Nev., Adv. Op. 14, 530 P.3d 851, 855-56 (2023). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." *Skender v. Brunsonbuilt Constr. & Dev. Co., LLC*, 122 Nev. 1430, 1435, 148 P.3d 710, 714 (2006).

Unknown to this court, WCSO released the records responsive to the first request to Conrad during appellate briefing and before Conrad filed his reply brief. Neither party disclosed this fact until two days before oral argument, when the State filed a notice of partial mootness. At oral argument, both parties conceded the requested records had been produced. They also, for the first time, informed this court that the records had been redacted, without clarifying the extent of those redactions or which

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<sup>1</sup>In *Conrad I* we held that generalized assertions regarding the effect of disclosing a full investigation report did not justify withholding the records as confidential or support the district court's conclusion to weigh the balance in the governmental entity's favor without making specific findings on the requested material. *Conrad v. Reno Police Dep't*, 139 Nev., Adv. Op. 14, 530 P.3d 851, 856 (2023). In rejecting Conrad's argument that an *in camera* review was therefore required here, the district court explained that, unlike in *Conrad I*, the parties here had enough information to present a full legal argument on the OIS report's confidential nature.

redactions, if any, are contested. Instead of addressing the impact of the production on the justiciability of the dispute before the court, both parties argued that a mootness exception justified addressing whether the district court should have conducted an *in camera* review of the now-disclosed records.

On this shifting factual landscape, we first turn to Conrad's arguments against WCSO's automated response. That response indicated WCSO received the request and that Conrad would be contacted about the records' availability within 30 days. Conrad contends the NPRA required WCSO to review and respond to the request within five days, but we disagree. The NPRA requires that, within five business days of receiving a records request, the governmental entity must take one of the actions enumerated in NRS 239.0107(1). That statute allows a governmental entity that is unable to provide the record by the end of the fifth day to provide notice of that fact to the requester along with the earliest date and time that the governmental entity reasonably believes the record will be available. NRS 239.0107(1)(c)(1). It anticipates that not all requests can be reviewed and fulfilled within five days, but it neither explicitly nor implicitly prohibits a pre-determination of that delay or an automated response to that effect, and we will not read that limitation into the statute. *See, e.g., Republican Att'ys Gen. Ass'n v. Las Vegas Metro. Police Dep't*, 136 Nev. 28, 31-32, 458 P.3d 328, 331-32 (2020) (declining to read waiver into a statute where it was not an enumerated remedy). On this record, WCSO's automated response is not contrary to NRS 239.0107(1)(c) because WCSO sent the response within five business days and provided a timeline for

when the records could be available. The district court therefore did not abuse its discretion in finding in WCSO's favor on this point.<sup>2</sup>

Next we consider Conrad's argument that the district court erred by upholding WCSO's denial without first reviewing the records *in camera*. Neither party presents a compelling argument for why the records' post-appeal release does not moot this issue. Generally we will decline to entertain moot issues. *Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. 155, 158, 460 P.3d 976, 981 (2020). Occasionally we will entertain a moot issue if it is of widespread importance, capable of repetition, and otherwise evades review. *Id.* at 158, 460 P.3d at 982. But this exception does not apply here, as we have previously clarified that *in camera* review is not required in every instance. *Conrad I*, 530 P.3d at 857 (noting that the court's "individualized determination" may be made "either through *in camera* review or by other means deemed appropriate by the district court judge"). Here, moreover, the district court determined it had sufficient information to uphold WCSO's denial, and we are disinclined to draw a bright-line rule here as to whether a district court must always conduct an *in camera* review of an investigation report of an officer-involved shooting, particularly where that issue is now advanced in the abstract.

However, WCSO produced redacted records responsive to that first request and it is unclear whether, or to what extent, the redactions

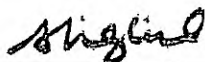
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<sup>2</sup>We decline to address Conrad's second argument regarding the sufficiency of WCSO's legal support for its denial. Conrad's arguments on this point are unclear, but we note that this record does not clearly show why WCSO's denial, which cited *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990), included insufficient legal support to satisfy NRS 239.0107(1)(d). *Cf. Conrad I*, 530 P.3d at 855-56 (explaining that the law has evolved since *Donrey* but it remains good law).

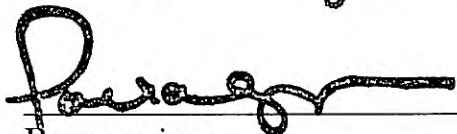
alter the district court's order denying *in camera* review. The propriety of any *in camera* review of the redactions would be an issue for the district court to determine in the first instance, and we therefore vacate the portion of the district court's order denying *in camera* review and remand so that the parties may raise their arguments, if any, to the district court.

Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Tammy Riggs, District Judge  
Debbie Leonard, Settlement Judge  
Luke A. Busby  
Washoe County District Attorney  
Washoe County District Attorney/Civil Division  
Washoe District Court Clerk